

Title 27
Unified Program Consolidated Forms (UPCF)
and Supporting Data Dictionary Changes

Informative Digest/Policy Statement Overview
Agency Reference Number: U-2007-01

AUTHORITY AND REFERENCE

The Secretary of Cal/EPA makes these amendments under the authority granted by Health and Safety Code section 25404, subdivisions (b), (c), (d), and (e); section 25404.6, subdivision (c); and section 25531.2; and Government Code section 16.5(c). These sections require the Secretary to adopt regulations that would implement, interpret or make specific Health and Safety Code chapter 6.11 for the Unified Program.

The Secretary of Cal/EPA also makes these amendments under the authority granted by Public Resources Code sections 71060 – 71063 regarding data management standardization. These sections require the Secretary to adopt regulations to standardize environmental data reporting electronically.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law

Chapter 6.11, division 20, of the Health and Safety Code section 25404 et seq. created the Unified Hazardous Waste and Hazardous Materials Management Regulation Program (Unified Program). The regulations to implement this program are located in title 27 of the California Code of Regulations. The Unified Program is a merger of the administration of the six previously existing programs specified in Health and Safety Code section 25404(c) and in section 15100 et seq of title 27 of the California Code of Regulations. The six program elements and related laws are:

1. Hazardous Materials Release Response Plans and Inventory – Health and Safety Code division 20, article 1, section 15500 et seq; and title 19 of the of the California Code of Regulations, sections 2620 – 2734, also known as the 'right-to-know' or 'hazardous materials inventory' programs.
2. California Accident Prevention (CalARP) Program – Health and Safety Code division 20, article 2, section 15531 et seq; and title 19 of the California Code of Regulations, sections 2735.1 – 2785.1.
3. Underground Tank Program – Health and Safety Code division 20, chapter 6.7, section 25280 et seq; and title 23 of the California Code of Regulations, section 2620 et seq.
4. Aboveground Storage Tank Program – Health and Safety Code division 20, chapter 6.67, section 25270.5(c); and by reference federal regulations in part 112 of title 40 of the Code of Federal Regulations.

5. Hazardous Waste Generator Program and Hazardous Waste Onsite Treatment activities – Health and Safety Code division 20, chapter 6.5; and title 22 of the California Code of Regulations, division 4.5.
6. Hazardous Materials Management Plan and Hazardous Materials Inventory Statement requirements – California Fire Code title 24, part 9, sections 8001.3.2 and 8001.3.3.

Public Resources Code division 34, part 2, chapter 3, Environmental Data Reporting – Data Management, sections 71060 – 71063 require the Secretary of Cal/EPA to adopt regulations to standardize environmental data reporting electronically.

Linkage to Concurrent State Regulations

Some of these proposed regulation changes are necessary because of changes in other regulatory titles of the California Code of Regulations linked to the Unified Program. Separate rulemakings for titles 19, 22 and 23 are anticipated to be considered concurrently with this title 27 rulemaking. Related titles and the lead agencies are as follows:

Title 19 addresses the Hazardous Materials Release and Response Plans and the California Accidental Release Prevention program with the Governor's Office of Emergency Services as lead.

Title 22 addresses hazardous waste generators and onsite hazardous waste treatment activities with the Department of Toxic Substances Control as lead.

Title 23 addresses the Underground Storage Tank and Above Ground Petroleum Storage Tank program with the State Water Resources Control Board as lead.

Policy Statement Overview

Broad Objective: The changes implemented in these regulations derive from new or modified statutory requirements, streamlining to remove unused information from reports and aligning the standard data dictionary with current information management standards.

Specific Objectives: The Department of Toxic Substances Control is required to collect information regarding cyanide treatment on site and this will be done through the existing standardized reporting forms with some modification.

The State Water Resources Control Board has updated the information collection requirements for underground storage tank permits as a result of enacted legislation. This information is collected on the existing standardized reporting forms with some modification.

Informative Digest/Policy Statement Overview

Cal/EPA has modified its information collection from CUPA's to eliminate unused information and to bring the process current with statutory changes made over a number of previous years.

Proposed Regulations

These regulations are administrative in nature and do not impose any new regulatory requirements. The proposed changes to the data dictionary, summary report forms, and UPCF are needed to achieve the following objectives. These objectives are a result of discussions regarding data management that occurred over the last three years during meetings with CUPA's, state agencies and Cal/EPA.

- Provide the U.S. Environmental Protection Agency with an agreed upon set of information regarding hazardous waste inspections;
- Clarify and improve summary reports 3 and 4;
- Extract summary report data from the data dictionary;
- Update report 6 to address program changes;
- Generally clean up the data dictionary related to:
 - Summary report forms 3, 4; and 6;
 - Business Activities Page, Business Owner/Operator Identification Page and Hazardous Material Inventory Page; and
 - On-site Tiered Permitting Permit by Rule Page.

California Environmental Quality Act (CEQA) Compliance

Cal/EPA has found this rulemaking project to be exempt under the California Environmental Quality Act. A Notice of Exemption (NOE) is available with the rulemaking file and the NOE will be filed with the State Clearinghouse, Office of Planning and Research, when the regulations are adopted.

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: Cal/EPA has made a preliminary determination that adoption of these regulations will create no new local mandates.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: Cal/EPA has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to Government Code part 7, division 4, section 17500 et seq, or other non-discretionary costs to local agencies.

Cost or Savings to Any State Agency: Cal/EPA has made a preliminary determination that the proposed regulations will have no net impact on state revenue or costs. The Department of Toxic Substances Control acting as the CUPA in Trinity and Imperial Counties utilizes Envision software with a service maintenance contract that does not incur costs to modify the business reporting system.

Cost or Savings in Federal Funding to the State: Cal/EPA has made a preliminary determination that the proposed regulations will have no impact on federal revenue or costs.